

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

NOTICE OF MARKET DOMINANT
PRICE ADJUSTMENT

Docket No. R2018-1

**UNITED STATES POSTAL SERVICE
RESPONSE IN OPPOSITION TO US CHAMBER OF COMMERCE MOTION FOR
LEAVE TO COMMENT ON THE POSTAL SERVICE'S ANSWER TO CHAIRMAN'S
INFORMATION REQUEST NO. 6
(November 2, 2017)**

For the reasons described below, the United States Postal Service ("Postal Service") requests that the Commission deny the U.S. Chamber of Commerce Motion for Leave to Comment on the Postal Service's Answer to Chairman's Information Request No. 6 ("Motion"), which was accepted for filing on November 2, 2017. And if instead the Commission grants the Motion, the Postal Service requests that the Commission provide an opportunity for the Postal Service and other interested parties to respond to the Motion.

The Motion should be denied because it raises issues that are outside the scope of this docket, and consideration of these complex issues (which involve the interests of other government agencies and numerous third parties) would serve only to delay the Commission's decision regarding the time-sensitive matters under consideration in this docket. As explained previously by the Postal Service in its Answer in Opposition to U.S. Chamber of Commerce Motion to Unseal Library Reference and Motion to Request Issuance of Information Request ("USPS Answer in Opposition"), the U.S. Chamber of Commerce ("Chamber") continues to focus on broad policy concerns, including the application of terminal dues rates established in the Universal Postal Convention, rather

than on the rates or other issues specific to this docket.¹ Indeed, this docket has not been established for the purpose of reviewing the establishment of terminal dues rates for Inbound Letter Post mail. Congress has established a separate process for precisely that sort of review in 39 U.S.C. § 407(c)(1), and the Commission initiated Docket No. IM2016-1 to consider whether proposals presented for consideration by the Universal Postal Union (“UPU”) Congress held in Istanbul last year were consistent with the standards and criteria for rate regulation established by the Commission.² The issues raised by the Chamber cannot be resolved in the current docket, as they involve multilateral international relationships covering subjects outside the scope of this proceeding, and have implications for policies established by other U.S. Government agencies. The devotion of more time and resources to these broad policy issues, which cannot be resolved in this proceeding, serves only to delay this proceeding and reduce the time and resources available for consideration of the purpose of this docket – the Postal Service’s proposed rates of general applicability for domestic mail and outbound international mail.

This docket is a time-limited proceeding through which the Postal Service seeks the approval of rates³ that will have a significant impact on the performance and business decisions of the Postal Service and mailers for the next year, if not longer. It involves complicated analysis, and presents challenging issues for consideration even when parties are focused on the relevant issues. Through its repetitive filings

¹ United States Postal Service Answer in Opposition to U.S. Chamber of Commerce Motion to Unseal Library Reference and Motion to Request Issuance of Information Request, Docket No. R2018-1, at 6 (October 23, 2017) (“USPS Answer in Opposition”).

² Order No. 3253, Notice and Order Establishing Section 407 Proceeding, Docket No. IM2016-1, at 1 (April 20, 2016).

³ 39 C.F.R. § 3010.11 (establishing 34-day period for Commission determination regarding rate adjustment).

addressing broad policy issues outside the scope of this proceeding, the Chamber has distracted the parties and the Commission, and unnecessarily created more complications for an already challenging proceeding.

If the Commission grants the Motion, the Postal Service will have to allocate significant resources to respond to the issues raised in the Motion and the concerns raised by third parties and other government agencies. The Commission will also have to allocate resources to review the Postal Service's response, any submissions by third parties, and any additional responsive filings. Because the Commission's 34-day review period expires next week, it is important that the Commission clarify the scope of this docket to avoid any further disruption.

The Chamber has ample opportunities to raise its policy concerns regarding UPU terminal dues rates in more appropriate forums. For example, as the Postal Service explained previously, the Chamber could raise issues regarding the UPU terminal dues rates at a meeting of the Advisory Committee on International Postal and Delivery Services.⁴ In addition, the Chamber will have the opportunity to comment on UPU issues in future IM-series dockets likely to be established prior to the 2018 and 2020 UPU Congress meetings.⁵

To the extent that the Chamber has concerns about the nonpublic status of certain data submitted as part of this docket, that issue has been fully briefed for a ruling by the Commission.⁶ The nonpublic treatment of certain data regarding Inbound Letter Post does not prevent the Chamber from participating effectively in this docket. As

⁴ USPS Answer in Opposition at 7.

⁵ See 39 C.F.R. part 3017 (establishing rules applicable to the initiation of IM-series dockets).

⁶ See U.S. Chamber of Commerce Motion to Unseal Library Reference and Motion to Request Issuance of Information Request, Docket No. R2018-1 (Oct. 16, 2017); USPS Answer in Opposition.

demonstrated by the Postal Service, nonpublic treatment of these data is necessary to protect commercially sensitive information. It is common for Commission proceedings to involve consideration of nonpublic information, and parties routinely participate in these proceedings, and influence the Commission with respect to issues involving nonpublic data. The Commission has established procedures to provide interested parties with access to nonpublic information (under certain protective conditions) that would enable effective participation in this docket, subject to review by the Postal Service and third parties with an interest in the nonpublic information.

For the reasons described above, the Postal Service respectfully requests that the Commission deny the Motion.

Respectfully submitted,

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